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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/051,000	01/22/2002	Frank J. Snow		7785

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EXAMINER
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VIG, NARESH

ART UNIT	PAPER NUMBER
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3629

DATE MAILED: 09/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/051,000	SNOW, FRANK J.	
	Examiner	Art Unit	
	Naresh Vig	3629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 28 June 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 17 and 18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 17 and 18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

This is in reference to response received 28 June 2005 to the office action mailed 14 June 2005. There are 2 claims, claims 17 – 18 pending for examination.

### ***Response to Arguments***

In response to applicant's argument that the content and format of MoonShop's deed is structured to indicate that MoonShop owns the Moon, of which lunar property is being conveyed to a purchaser, and, the content and format of applicants deed is structured to indicate that no one currently owns the Moon and that lunar property is not being conveyed to a purchaser. Evidence: Exhibit B includes the following text: ".... This document is not intended to indicate any legal ownership of the described parcel. Ownership of such a deed by an individual is intended to enhance such individual's request for the described land parcel at such future time when the government of the United States of America may lay claim to a large tract of lunar land, based on its successful Apollo program of manned lunar landings and explorations, and subsequently may grant sub-divided parcels of such tract, including ..... for the purpose of encouraging land development."

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Applicant is claiming doing business of developing, producing, assembling and offering for sale a documentation package covering a lunar land property parcel [claim 17] which is phony documentation because Applicant has not proved that applicant is authorized to sell such produce and sell documents like Lunar Deed [Exhibit A] and Deed of Claim [Exhibit b] which claims to enhance such individual's request for the described land parcel at such future time when the government of the United States of America may lay claim to a large tract of lunar land (selling a promise to enhance such individual's request for the described land parcel at such future time for which the applicant is not authorized by the United States of America).

In response to applicant's argument that the present business method invention is that of selling a documentation package which includes a Deed of Claim that precisely describes the location and boundary of a specific lunar land property parcel (and indicates in the Deed of Claim that this deed does not convey property, as is clearly indicated as a claim element of Claim 17 and clearly presented in the related Specification) and includes three (3) pairs of large-sized map-photo images representing three (3) parcel approaching levels of image magnification.

However, MoonShop teaches selling documentation which includes Deed. As responded to earlier, applicant is arguing contents of a deed which is a phony document.

In response to applicant's argument that MoonShop's internet-based business, is significantly different from and teaches away from Applicant's present business method

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invention, and, MoonShop's purported business method, there is a potential for allegations that MoonShop is engaging in a fraudulent and illegal business.

However, as responded to earlier, applicant is arguing a business of preparing and selling phony documentation.

In response to applicant's argument that as long as MoonShop claims that it owns the Moon, the business method of MoonShop teaches away from Applicant's present invention.

However, as responded to earlier, how can applicant sell documentation which claims to enhance such individual's request for the described land parcel at such future time when the government of the United States of America may lay claim to a large tract of lunar land because applicant has not clearly defined how applicant can make such a promise as claimed in the documentation because it is not clear whether applicant has the authority to sell such a promise as claimed by the applicant.

In response to applicant's argument that that the "business choice" argument of the OA is invalid since MoonShop describes a business method significantly different from Applicant, i.e., MoonShop is offering the sale of lunar property, whereas, Applicant is not offering the sale of lunar property.

As responded to earlier, applicant is also producing and selling phony documentation as taught by MoonShop and agreed by the applicant in the arguments.

In response to applicant's argument that cited reference Gaiety (as a textbook) provides a useful teaching of the traditional methods of subdividing land property, there is no prior art indication of the specific subdivision of the total Moon and, further, there is no prior art indication of the specific subdivision of Applicant's Region 1 of the Moon, wherein Region 1 has been subdivided into six (6) sections, each section having the unique feature of containing an Apollo landing site as a historical reference to the location of each of the six (6) [now precisely known) U.S.A. Apollo Program manned spacecraft landing sites.

However, Galaty teaches subdividing planet earth. One of ordinary skill in the art can use teaching of Galaty to subdivide other planetary objects like Moon, Mars etc.

In response to applicant's argument that the non-regular distribution of the spacecraft landing sites results in six (6) sections of unequal rectangular (in the Mercator type map projection sense) size, there is nothing to support an OA conclusion that MoonShop in view of Gaiety would produce a lunar subdivision in specific accordance with that of Applicant's Region 1 subdivision.

However, it is known to one of ordinary skill in the art at the time of invention, that for example states in the United States of America is of different and shapes, and, one of ordinary skill in the art can use teachings of Galaty to further subdivide a state into counties, cities, subdivision, land parcel etc.

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***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 17 – 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over MoonShop.com in view of "Modern Real Estate Practice" by Galaty et al. hereinafter known as Galaty.

Regarding claim 17, MoonShop teaches system and method of doing business offering for sale a documentation package covering a lunar land property parcel..

MoonShop teaches:

developing, producing, assembling, and offering for sale a documentation package covering a lunar land property parcel [MoonShop page 3]. Contents of the documentation in the package is a business choice. Official notice it taken that it would have been obvious to one of ordinary skill in the art at the time the invention was made that MoonShop is capable for providing contents on documentation as desired by a business. Both MoonShop and applicant produce a phony document. Design, layout and contents of the document are not patentably distinguishable over prior art because applicant is claiming method of assembling a creating a document. MoonShop



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assembles and creates a document which meets their business and design requirements. One of ordinary skill in the art can modify teaching of MoonShop to assemble and created documents to meet their business and document design requirements.

MoonShop does not teach developing a plan of subdivision of the lunar globe into a decreasing size sequence of regions, sections, blocks and parcels. However, MoonShop teaches indicating a portion of the large area image corresponding to the local area image [MoonShop page 10]. Galaty teaches system and method for subdivision of the land into a decreasing size sequence or regions, sections, blocks and parcels [Galaty, page 130 – 143]. It is a business choice to decide how to subdivide the property. Official notice it taken that it would have been obvious to one of ordinary skill in the art at the time the invention was made that MoonShop in view of Galaty is capable of subdivision of land to identify the parcel of land using the coordinates, directional distance from a reference starting point etc to meet requirements of a business.

MoonShop in view of Galaty teaches:

establishing the use of map and photographic imagery, in paper and/or digital electronic form, as part of the documentation package, that have been determined to be publicly available from the U.S. Government [MoonShop page 2 – 10];

establishing a computer-useable database, herein defined as a Master Map and Chart Set of the Lunar Tract, of all parcel locations, as determined from lunar subdivision into the area sequence of regions, sections, blocks, and parcels (design

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choice to decide what technology to use for implement a system to meet requirements of a business);

establishing an inventory of individual lunar parcels, to be drawn from the above parcel locations database [MoonShop page 2 – 10];

establishing the offering for sale of a documentation package for individual lunar parcels [MoonShop page 2 – 10];

establishing a computer-useable registry, defined herein as the Lunar Claim Registry, whose uses will include that of maintaining a record of original ownership of a Deed of Claim, and any subsequent ownership of the deed where such information is made available to the registry operator [MoonShop page 2 – 33];

establishing the use of copyright protection of the Lunar Claim Registry, with its Deed of Claim ownership data contents, as a method for achieving data storage in the U.S. Archives (business choice) [MoonShop page 2 – 10];

establishing an organization of members, in the form, for example, of a Lunar Claim Society, whose focus is the provision of information of common interest to Deed of Claim owners [MoonShop page 3 – 4];

Regarding claim 18, MoonShop in view of Galaty teaches operations are applied to a planetary land property parcel where such planetary land has been subject to a program of exploration and survey by the U.S. Government (Galaty teaches survey of land) [Galaty page 355 – 356].

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Applicant is required under 37 CFR 1.111 (c) to consider the references fully when responding to this office action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Naresh Vig whose telephone number is 703.305.3372. The examiner can normally be reached on M-F 7:30 - 5:00 (Alt Friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on 703.308.2702. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "Naresh Vig", with a stylized flourish at the end.

Naresh Vig  
Patent Examiner  
March 19, 2005

September 14, 2005